

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

BKY Case No.: 24-30025

Chapter 7

Robert Hurst Anderson, Jr.,

Debtor.

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**NOTICE OF HEARING AND MOTION OBJECTING TO A CLAIMED EXEMPTION**

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TO: THE DEBTOR AND OTHER ENTITIES SPECIFIED IN THE APPLICABLE FEDERAL RULES OF BANKRUPTCY PROCEDURE AND LOCAL RULE 9013-2.

1. Randall L. Seaver, Chapter 7 Trustee (“**Trustee**”) herein, moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 10:30 a.m. on Thursday, February 6, 2025, before the Honorable Kesha L. Tanabe in Courtroom No. 2C, at the United States Courthouse, at 316 North Robert Street, in St. Paul, MN, 55101, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and served not later than Thursday, January 30, 2025, which is seven (7) days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on January 4, 2024. The case is now pending in this Court. The § 341 meeting was concluded on April 12, 2024.

5. This motion arises under 11 U.S.C. § 522, Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rules 9013-1 and 9013-2.

6. In his Amended Schedule C, filed January 9, 2025 at Doc. 49, Debtor Robert Hurst Anderson, Jr. (“**Debtor**”) listed an interest in a 2021 Mercedes-Benz automobile (the “**Mercedes**”) and claimed a total of \$16,073.00 as exempt (the “**Exemption**”). The Mercedes is listed with a value to the Debtor of \$34,500.00 and total value of \$69,000.00. *Id.*, at p. 3.

### **EXEMPTION OBJECTION**

7. Objection is made to the claimed Exemption of the Mercedes.

8. As the Trustee has brought to the attention of the Court previously, the Debtor owns only a fifty percent (50%) interest in the Mercedes, and so that is all that he may claim as exempt. See, **Exhibit A** hereto. The Debtor admits that he only owns a fifty percent (50%) interest, however, he claims an exemption in over one hundred percent (100%) of the vehicle proceeds. The other half interest is owned by Top Source Media L.L.C. (“**Top Source**”), an entity owned and controlled by the Debtor at the time of filing.

9. Mercedes Benz did not seek stay relief, but apparently took possession of the Mercedes and sold it at auction. Apparently, a check, jointly payable to the Debtor and Top Source in the amount of \$15,116.45 has been issued or will soon be. Either way, the funds will come under the control of the Debtor.

10. Based on Debtor’s claimed fifty percent (50%) ownership interest, he would be entitled to only to claim an exemption of \$7,558.23 in the Mercedes’ liquidation proceeds. The other \$7,558.22 is property of Top Source. The bankruptcy estate has commenced litigation against Top Source to recover a fraudulent transfer made by the Debtor to Top Source in excess of \$7,558.22.

11. If required, the Trustee gives notice that he may testify at the hearing of this matter.

**WHEREFORE**, the Trustee requests that the Court enter an order as follows:

1. Limiting the Debtor's exemption of the Mercedes to \$7,558.23; and
2. Granting such other relief as the Court deems just and equitable.

MOSS & BARNETT  
A Professional Association

Dated: January 21, 2025

By s/ Matthew R. Burton  
Matthew R. Burton (#210018)  
150 South Fifth Street, Suite 1200  
Minneapolis, MN 55402  
Telephone: (612) 877-5000  
Email: matthew.burton@lawmoss.com  
ATTORNEYS FOR RANDALL L. SEAVER,  
TRUSTEE

**VERIFICATION**

I, Randall L. Seaver, the Trustee of the Bankruptcy Estate of Robert Hurst Anderson, Jr., declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: January 21, 2025

s/ Randall L. Seaver  
Randall L. Seaver, Trustee